

OPENING COMMENTS FOR
ASSEMBLYMAN HINCHEY

NIAGARA RIVER HEARING - DECEMBER 10, 1981

GOOD MORNING. I AM ASSEMBLYMAN MAURICE HINCHEY, CHAIRMAN OF THE ASSEMBLY ENVIRONMENTAL CONSERVATION COMMITTEE. TO MY RIGHT IS ... TO MY LEFT IS ... WE WELCOME YOU TO THIS JOINT PUBLIC HEARING OF THE ASSEMBLY STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION AND ITS SUBCOMMITTEE ON TOXIC AND HAZARDOUS SUBSTANCES AND SENATE STANDING COMMITTEE ON CONSERVATION AND RECREATION AND ITS SUBCOMMITTEE ON TOXIC SUBSTANCES AND CHEMICAL WASTES ON THE NEW YORK PUBLIC INTEREST GROUPS REPORT ON TOXICS IN THE NIAGARA RIVER.

"EVER SINCE CHEMISTS BEGAN TO MANUFACTURE SUBSTANCES THAT NATURE NEVER INVENTED, THE PROBLEMS OF WATER PURIFICATION HAVE BECOME COMPLEX AND THE DANGER TO USERS OF WATER HAS INCREASED. THE PRODUCTION OF THESE SYNTHETIC CHEMICALS IN LARGE VOLUME BEGAN IN THE 1940'S. IT HAS NOW REACHED SUCH PROPORTIONS THAT AN APPALLING DELUGE OF CHEMICAL POLLUTION IS DAILY Poured INTO THE NATION'S WATERWAYS. WHEN INEXTRICABLY MIXED WITH DOMESTIC AND OTHER WASTES DISCHARGED INTO THE SAME WATER, THESE CHEMICALS SOMETIMES DEFY DETECTION BY THE METHODS IN ORDINARY USE BY PURIFICATION PLANTS. MOST OF THEM ARE SO STABLE THAT THEY CANNOT BE BROKEN DOWN BY ORDINARY PROCESSES. OFTEN THEY CANNOT EVEN BE IDENTIFIED. IN RIVERS, A REALLY

INCREDIBLE VARIETY OF POLLUTANTS COMBINE TO PRODUCE DEPOSITS THAT THE SANITARY ENGINEERS CAN ONLY DESPAIRINGLY REFER TO AS 'GUNK'."

WHEN ENVIRONMENTALIST RACHEL CARSON WROTE THOSE WORDS IN 1962, THERE WAS NO COMMON TERMINOLOGY FOR THE GROUP OF SUBSTANCES THAT POLLUTED OUR WATERWAYS. NOW WE GENERALLY REFER TO THEM AS HAZARDOUS WASTES. BUT THE SAD FACT REMAINS - OUR RIVERS ARE STILL FULL OF "GUNK."

NEW YORK STATE IS ONE OF THE TEN LARGEST GENERATORS OF HAZARDOUS WASTES IN THE NATION. A RECENT VOLUNTARY SURVEY OF HAZARDOUS WASTE GENERATORS BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOUND THAT INDUSTRIES GENERATE OVER A MILLION TONS OF HAZARDOUS WASTE ANNUALLY. BY FAR, THE HIGHEST AREA OF PRODUCTION OF THESE WASTES IS HERE IN WESTERN NEW YORK. RECENTLY ENACTED LEGISLATION REQUIRES THE DEPARTMENT TO GATHER MORE INFORMATION ABOUT GENERATION OF WASTES IN ALL AREAS OF THE STATE.

UNFORTUNATELY, MUCH OF THE HAZARDOUS WASTE OUTPUT FROM THIS AREA FINDS ITS WAY INTO THE NIAGARA RIVER. IT SERVES AS THE BORDER BETWEEN THE UNITED STATES AND CANADA, AND IS USED AS A SOURCE OF DRINKING WATER FOR ABOUT 380,000 PEOPLE ON BOTH SIDES. ON THE AMERICAN SIDE, SEVEN WATER SUPPLY SYSTEMS DRAW A TOTAL OF ABOUT 103 MILLION GALLONS PER DAY. THERE IS A GREAT DEAL OF CONTROVERSY ABOUT WHETHER THE PEOPLE WHO DRINK THIS

WATER ARE AT A SIGNIFICANT HEALTH RISK. BECAUSE OF THE LONG LATENCY PERIOD OF DISEASES ASSOCIATED WITH CHEMICAL CONTAMINANTS, IT IS IMPORTANT TO EXAMINE THE RISK POTENTIAL, AND TAKE PRECAUTIONS NOW.

THE NEW YORK PUBLIC INTEREST RESEARCH GROUP (NYPIRG) HAS RECENTLY COMPLETED AN EXTENSIVE REPORT ON THE WIDESPREAD INDUSTRIAL POLLUTION OF THE RIVER. THIS STUDY, WHICH TOOK 3 YEARS TO COMPLETE, IS BASED ON A RESEARCH MODEL COMPOSED OF FOUR INTERWOVEN SECTIONS: (1) A SURVEY OF LICENSED INDUSTRIAL DISCHARGES REGULATED BY THE STATE POLLUTANT DISCHARGE ELIMINATION SYSTEMS (SPDES) PERMIT, (2) A SURVEY OF UNLICENSED INDUSTRIES THAT DISCHARGE THROUGH SEWAGE COLLECTION SYSTEMS; THEREBY ESCAPING THE PERMIT PROGRAM, (3) A REVIEW OF ENVIRONMENTAL AND HEALTH PROBLEMS POSED BY PAST AND PRESENT HAZARDOUS WASTE DISPOSAL PRACTICES; AND (4) A LIMITED MONITORING EFFORT TO IDENTIFY PREVIOUSLY UNDETECTED SOURCES OF TOXIC CONTAMINATION. WATER-BORNE HEALTH HAZARDS TO THE PUBLIC, AND POSSIBLE LINKS TO CANCER WERE ALSO STUDIED.

THE NYPIRG STUDY FOUND EVIDENCE OF MUTAGENIC AGENTS IN 54% OF THE 71 SAMPLES TAKEN FROM RIVER SEDIMENT, WASTE WATER TREATMENT PLANT SLUDGE AND DRINKING WATER TREATMENT PLANT BACKWASH. THEIR SCIENTISTS BELIEVE THAT THE PROBLEM MAY BE EVEN MORE SEVERE DUE TO LIMITATIONS IN THE TYPE OF COMPOUNDS THAT THEIR TEST CAN DISCOVER.

THESE FINDINGS, IF TRUE, ARE SHOCKING WHEN ONE CONSIDERS THE COMPLEX AND DELICATE ECOSYSTEM OF ANY RIVER, WHERE EVEN THE SMALLEST CHANGES IN THE LEVELS OF ESSENTIAL ELEMENTS OR THE INTRODUCTION OF EVEN MINUTE QUANTITIES OF DANGEROUS TOXINS CAN MEAN THE DIFFERENCE BETWEEN LIFE AND DEATH FOR NUMEROUS SPECIES OF PLANTS, ANIMALS, ~~AND FISH~~. THE RESULTS OF THE STUDY ARE EVEN MORE ALARMING BECAUSE OF THE NUMBER OF PEOPLE WHO ARE ROUTINELY EXPOSED TO THE CONTAMINANTS. THE MAJORITY OF THESE CONTAMINANTS ARE SYNTHETIC ORGANIC CHEMICALS.

THE MANUFACTURE AND USE OF SYNTHETIC ORGANIC CHEMICALS IS WIDESPREAD THROUGHOUT NEW YORK STATE AND THESE CHEMICALS ARE LIKELY TO CONTINUE TO CONTAMINATE SOURCES OF DRINKING WATER AS LONG AS WE FAIL TO TAKE AGGRESSIVE STEPS TO REDUCE, AND ULTIMATELY ELIMINATE THE PROBLEM. THERE IS CONSIDERABLE DISAGREEMENT AMONG THE EXPERTS ABOUT WHETHER A LINK EXISTS BETWEEN DRINKING CONTAMINATED WATER AND CANCER.

MANY SCIENTISTS BELIEVE THAT ONE ROUTE OF HUMAN EXPOSURE TO LOW LEVELS OF CHEMICAL CARCINOGENS IS THROUGH CONSUMPTION OF DRINKING WATER CONTAMINATED WITH TOXIC ORGANIC CHEMICALS. CONCERNS ABOUT THE HEALTH HAZARDOUS POSED BY DRINKING SUCH WATER WAS EXPRESSED EVEN BEFORE THE RESIDENTS OF NEW YORK STATE WERE ASKED TO SPEND MILLIONS OF DOLLARS IN SUPPORT OF GOVERNOR ROCKEFELLER'S PURE WATERS PROGRAM. DR. WILHELM HEUPER, FORMER HEAD OF THE NATIONAL CANCER INSTITUTE'S ENVIRONMENTAL CARCINOGENESIS PROGRAM, STATED 18 YEARS AGO:

"THE RAPIDLY INCREASING POLLUTION OF MANY BODIES OF FRESH AND SALT WATER WITH SUCH CARCINOGENIC AGENTS AND THE INABILITY OF THE PRESENTLY USED FILTRATION EQUIPMENT TO REMOVE ADEQUATELY SUCH CONTAMINATES FROM THE DRINKING WATER SUPPLY HAS CREATED CONDITIONS THAT MAY RESULT IN SERIOUS CANCER HAZARDS TO THE GENERAL POPULATION."

ADEQUATE SYSTEMS TO FILTER OR OTHERWISE REMOVE THESE POLLUTANTS EITHER DO NOT EXIST OR ARE NOT CURRENTLY IN USE. ONE OF THE REASONS THAT WE CALLED THIS HEARING WAS TO HEAR FROM THE WATER SUPPLIERS ABOUT THESE PROBLEMS.

WHAT THEN, SHOULD WE DO TO MINIMIZE THIS POTENTIALLY GRAVE THREAT TO CITIZENS OF THIS AREA AND THOSE AROUND THE STATE WHO DRINK CONTAMINATED WATER? ~~THE ANSWER IS OBVIOUS.~~ EFFLUENTS OF THE TYPE AND VOLUME THAT ARE DUMPED INTO THE NIAGARA RIVER MUST BE STOPPED. THE STATE OF NEW YORK MUST TAKE A MORE STRINGENT STAND ON POLLUTION DISCHARGES INTO THE STATE'S WATER. THESE WATERS, AS THE NYPIRG REPORT STATES, ARE NOT THE PROPERTY OF ^{(INDIVIDUALS &} ~~MULTI-NATIONAL~~ CORPORATIONS, THEY BELONG TO THE CITIZENS OF THE STATE. THE NYPIRG STUDY AND MANY OTHERS HAVE CAST SERIOUS DOUBT ON THE EFFECTIVENESS OF THE SPDES PROGRAM IN PROTECTING OUR WATERS. LOOPHOLES ALLOW ~~GIANT~~ CORPORATIONS TO POLLUTE WITH IMPUNITY.

AN IMPORTANT STEP IN SOLVING THIS PROBLEM IS TO MAKE CLEAN-UP AND CONTAINMENT OF INACTIVE SITES THE HIGHEST

PRIORITY. BY FAR, MOST OF THE 150 HAZARDOUS WASTE DUMPSITES WITHIN 3 MILES OF THE RIVER ARE INACTIVE, OFTEN ABANDONED, SITES. LEACHATE AND SURFACE RUN-OFF FROM THESE DUMPS ARE A CONTRIBUTORY FACTOR TO THE CONTAMINATION OF THE RIVER. I WANT TO RE-EMPHASIZE TODAY, MY COMMITMENT TO UPGRADING THE QUALITY OF WATERS IN THE STATE, REGARDLESS OF COST. WE CANNOT AND WILL NOT APPLY COST BENEFIT RATIOS WHICH PRESUME TO PUT A DOLLAR VALUE ON PAIN AND SUFFERING, OR ON LIFE ITSELF. WE BELIEVE THAT IT IS AN IMPORTANT PART OF OUR RESPONSIBILITY AS POLICY MAKERS TO HEAR YOUR ASSESSMENT OF THE PROBLEMS AND THE SOLUTIONS OF WATER QUALITY IN THE STATE. THANK YOU.